

EXHIBIT A

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

EAGLE RIDGE [SPOKANE] HOME OWNERS ASSOCIATION, a Washington Non Profit Corporation) No.

Plaintiff,

**COMPLAINT FOR MONEY
JUDGMENT AND DECREE OF
FORECLOSURE**

vs.

FRANK J. CATUCCI and PAULA R. CATUCCI, husband and wife; FRUCCI & ASSOCIATES, P.S.; INTERNAL REVENUE SERVICE; ASSOCIATED CREDIT SERVICE, INC.)

Defendants.

COMES NOW the Plaintiff by and through its legal counsel, Paine Hamblen LLP for Complaint against the Defendants as follows:

1. Plaintiff, Eagle Ridge [Spokane] Home Owners Association, is a Washington non-profit corporation located in Spokane County, State of Washington. Plaintiff is hereinafter referred to as "HOA". The HOA is an association of members owning real property within a planned unit development located within Spokane County known as Eagle Ridge. Eagle Ridge was established on the 5th day of February 1996 by the Declarant recording in the records of Spokane County, State of Washington under Auditors File Number 9602050371 a "Declaration of Protective Covenants, Conditions and Restrictions for Eagle Ridge" hereinafter the "CC&R's".

COMPLAINT FOR MONEY JUDGMENT - 1

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JAN 26 2012

TAX DIV.

RECORD

1 2. Defendant, Frank Catucci, is the owner of record of residential real property
2 located at 6415 South Latah Hills Court, Spokane, Washington 99224 and legally described as
3 Lot 13, Block 1 of Eagle Ridge Second Addition, as per plat thereof recorded in
4 Volume 27 of Plats, Page 47, situate in the City of Spokane, Spokane County,
5 Washington, Parcel Number 34076.1413 (herein the "Real Property").

6 The Real Property is located within the plat of Eagle Ridge. The Defendant Catucci is
7 an Owner within the HOA and is therefore subject to the CC&R's. The Defendant Paula R.
8 Catucci is named herein to the extent that she has or claims to have any interest in the Real
9 Property.

10 3. The Defendant Frucci & Associates, P.S. is a judgment creditor of the Defendant
11 Frank Catucci under Superior Court Cause No. 09202642-9 for Spokane County recorded
12 with the Spokane County Auditor under File No. 5837910.

13 4. The Defendant Internal Revenue Service recorded a Federal Tax Lien against the
14 Defendant Frank Catucci on June 13, 2011 under Spokane County Auditor File No. 6005978.

15 5. The Defendant Associated Credit Service Inc. claims to have a judgment against
16 the Defendant Paula Catucci entered with the Superior Court for Spokane County under
17 Cause No. 08205733-4 and a judgment against the Defendant Paula Catucci with the Superior
18 Court for Spokane County under Cause No. 09202272-5. Neither judgment has been recorded
19 with the Auditor for Spokane County.

20 6. As an Owner within the HOA, the Defendant Catucci is responsible for payment to
21 the HOA of periodic assessments in the nature of monthly owner dues and other charges that
22 may be imposed from time to time by the HOA. In addition, an Owner may be assessed fines
23 for violations of the CC&R's within the discretion of the HOA.

24 7. The Defendant Catucci since January 2007 has failed and continues to refuse to pay
25 the HOA monthly dues. In addition, the Defendant has been in violation of the CC&R's on
26 various occasions and has therefore been assessed various amounts due to such violations.

27 COMPLAINT FOR MONEY JUDGMENT - 2

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1 8. As provided for in the CC&R's at Section 7, the HOA is entitled to charge interest
2 on past due assessments as well as to charge a late charge in an amount equal to thirty percent
3 (30%) of each such assessment. The CC&R's further provide that in the event the HOA
4 commences an action to collect any assessment or other money due or to foreclose a lien, the
5 prevailing party is entitled to recover its reasonable legal fees and costs.

6 9. As a result of the Defendant's failure to pay the HOA dues and other assessments as
7 described above, the HOA, as authorized by the CC&R's, filed its notice of claim of lien
8 against the Real Property on May 20, 2008 under Spokane County Auditor's File Number
9 5677356; on December 23, 2008 under Spokane County Auditor's File Number 5744921; on
10 June 19, 2009 under Spokane County Auditor's File Number 5805093; on September 28,
11 2009 under Spokane County Auditor's File Number 5837624; and on October 1, 2010 under
12 Spokane County Auditor's File Number 5938893 (herein the "Liens").

13 10. Through the month of November 2011, the total amount of past due HOA dues,
14 assessments, accrued interest and late fees owed by the Defendant to the HOA is the sum of
15 \$5,942.15. Defendant, after demand, continues to refuse to pay said amount.

16 11. The CC&R's provide that the HOA may elect to foreclose the Liens that have
17 been filed to secure payment of the past due amounts. The HOA has elected to foreclose such
18 Liens in accordance with the CC&R's and Washington law.

19 12. The HOA has and will incur reasonable legal fees and costs, including but not
20 limited to the cost of a litigation guarantee title report, the total amount of which will proven
21 at the time of trial.

22 13. Plaintiff re-alleges the previous paragraphs 1.1, 1.2 and 2.1 through 2.7 as though
23 fully set forth herein.

24 14. Plaintiff is entitled to money judgment against the Defendant in the amount of
25 \$5,942.15 together with additional HOA dues, assessments, accrued interest and late charges
26 that accrue from the date of this Complaint through the date of any judgment entered herein.

27 COMPLAINT FOR MONEY JUDGMENT - 3

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1 15. Plaintiff is further entitled to a decree of foreclosure of the Liens in the Real
2 Property together with an order directing the Sheriff of Spokane County to sell the Real
3 Property in accordance with Washington law to satisfy the amounts claimed due hereunder.

4 16. The liens of the Plaintiff at paragraph 9 hereof are superior to and have priority
5 over any interest in the Real Property claimed by the Defendants Frucci & Associates P.S.,
6 The Internal Revenue Service and Associated Credit Service, Inc.

7 17. The judgments claimed by Defendant Associated Credit Service, Inc. were not
8 recorded with the Spokane County Auditor and therefore do not constitute valid liens in the
9 Real Property nor are the judgments against a person having an interest in the Real Property.

10 WHEREFORE, based upon the foregoing allegations, Plaintiff Prays that judgment be
11 entered against the Defendants and in favor of the Plaintiff as follows:

12 1. Against Frank Catucci in the amount of \$5,942.15 consisting of past due HOA dues,
13 accrued interest, assessments and late fees and together with HOA dues that accrue during the
14 pendency of this action, reasonable legal fees in the amount of \$2,750.00 in the event that
15 judgment should be entered by default, otherwise in an amount to be proven at the time of
16 trial, and together with costs incurred by Plaintiff as will be proven at the time of trial;

17 2. For a decree of foreclosure of the Liens in the Real Property directing the Sheriff of
18 Spokane County to sell the Real Property in accordance with Washington law and that the
19 proceeds of sale net of any other liens in the Real Property having priority over the Liens
20 herein, be applied in satisfaction of the judgment herein;

21 3. That by such foreclosure and sale, the rights of each of the Defendants and any
22 persons claiming by, through or under them subsequent to the Liens should be adjudged
23 inferior and subordinate to Plaintiff's Liens and be forever foreclosed, except only for any
24 statutory right of redemption allowed by law.

25 4. That Plaintiff be permitted to become a bidder and purchaser at the sale, and that
26 purchaser be given immediate possession of the Real Property after sale.


27 COMPLAINT FOR MONEY JUDGMENT - 4

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1 5. That Plaintiff have such other and further relief as may be proper and equitable
2 under the circumstances.

3
4 Dated this 6 day of December 2011

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6 PAINE HAMBLÉN LLP

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8 By: 
9 Philip S. Brooke III
10 WSBA #4580
11 Attorneys for Plaintiff

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25 COMPLAINT FOR MONEY JUDGMENT - 5

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SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

EAGLE RIDGE [SPOKANE] HOME
OWNERS ASSOCIATION, a Washington Non) No.
Profit Corporation)

SUMMONS

Plaintiff,

vs.

FRANK J. CATUCCI and PAULA R.
CATUCCI, husband and wife; FRUCCI &
ASSOCIATES, P.S.; INTERNAL REVENUE
SERVICE; ASSOCIATED CREDIT SERVICE,
INC.

Defendants.

TO: DEFENDANTS ABOVE NAMED:

A lawsuit has been started against you in the above-entitled Court by Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the Plaintiff within twenty (20) days after the service of this Summons, excluding the day of service within the State of Washington, and sixty (60) days if served out of the State of Washington, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what it asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

SUMMONS - 1

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1 days after you serve the demand, the Plaintiff must file this lawsuit with the Court, or the
2 service on you of this Summons and Complaint will be void.

3 If you wish to seek the advice of an attorney in this matter, you should do so promptly
4 so that your written response, if any, may be served on time.

5 This Summons is issued pursuant to Rule 4 of Superior Court Rules of the State of
6 Washington.

7 DATED this 6 day of December, 2011.

8 PAINE HAMBLÉN LLP

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10 By: 
11 Philip S. Brooke III
12 WSBA #4580
13 Attorneys for Plaintiff

14 I:\SPODOCS\38078\00004\PLEAD\970528

25 SUMMONS - 2

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Summary

Cause: Foreclosure

Judge ID: 91

Status Description: ACTIVE

Status Date: 02/08/2012

[Back to Top](#)**Participants****Litigants**Eagle Ridge Spokane Home Owners Association
PlaintiffCatucci, Frank J
DefendantCatucci, Paula R H/W
DefendantFrucchi & Associates PS
DefendantInternal Revenue Service
DefendantAssociated Credit Service
Defendant**Attorneys**

-----Unassociated Attorneys-----

Brooke, Phillip S. III
Attorney For Plaintiff
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